

UNITED STATES FEDERAL DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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SPUR TRACK PROPERTIES LLC;	:	
NARRAGANSETT PROMITIONS, INC.;	:	
and STEVEN MEDEIROS,	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	C.A. No.: 1:24-cv-00010-MSM-PAS
	:	
THE CITY OF PROVIDENCE; and	:	
SARA SILVERIA in her capacity as	:	
Finance Director of the City of Providence,	:	
<i>Defendants.</i>	:	
	:	

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**AFFIDAVIT OF H. CHARLES TAPALIAN**

I, H. Charles Tapalian, being duly sworn hereby depose and state:

1. I am over the age of eighteen.
2. I am President of The Pink Building, Inc. (“Pink Building”), a Rhode Island domestic profit corporation.
3. I am the President of Cuatro Amigos Holding Corp. (“Cuatro”)<sup>1</sup>, a Rhode Island domestic profit corporation.
4. I am the managing member of Spur Track Properties, LLC (“Spur Track”), a Rhode Island limited liability company.
5. Pink Building is the record owner of that certain parcel of real estate located at 245 Allens Avenue, Providence, Rhode Island marked on Tax Assessor’s Plat 46, Lots 433 and 497.
6. Cuatro is the record owner of that certain parcel of real estate located at 255 Allens Avenue, Providence, Rhode Island marked on Tax Assessor’s Plat 46, Lot 428.

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<sup>1</sup> Various documents in the City of Providence Land Evidence Records misname this entity. It can be found logged as “Quattro Amigos Holding Corp.,” “Cuatro Amigos Holding Corp.,” and “Cuartros Amigos Holding Corp.” However, all documents intend to name “Cuatro” as that is the Rhode Island domestic profit corporation.

7. Spur Track is the record owner of that certain parcel of real estate located at 257 Allens Avenue, Providence, Rhode Island marked on Tax Assessor's Plat 47, Lot 820.
8. These four parcels are contiguous and are situated between Allens Avenue and Poe Street. *See* parcel map attached hereto as **Exhibit 1**.
9. What was formerly known as "Bay Street" ran perpendicular from Allens Avenue towards Poe Street, but terminated at a dead end, and was located between the Cuatro and Spur Track parcels.
10. In 1997, the City of Providence abandoned Bay Street in this area, and the property was conveyed to Cuatro. *See* Resolution attached hereto as **Exhibit 2**.
11. In exchange for the Bay Street abandonment, Cuatro paid the City of Providence \$10,000.00. *Id.*
12. Additionally, as a condition of the abandonment and conveyance of the Bay Street property, Cuatro and Spur Track also conveyed easements to The Narragansett Electric Company and New England Telephone and Telegraph Company for access to the existing utility distribution systems. *Id.*
13. What was formerly known as "Bay Street" has been private property since 1997.
14. Along the Poe Street boundary of these four, contiguous parcels is a shared parking lot for use of patrons visiting these properties.
15. On October 5, 2000 I executed an agreement between each of these entities for the shared use of the parking lot and the parking plan. *See* Agreement attached hereto as **Exhibit 3**.
16. For the past two years the Providence Police Department has routinely entered onto the private property to harass the business owners and patrons to these properties, and the patrol officers on site incorrectly assert that Bay Street is a public road.



H. Charles Tapalian  
President, The Pink Building, Inc.  
President, Cuatro Amigos Holding Corp.  
Managing Member, Spur Track Properties, LLC

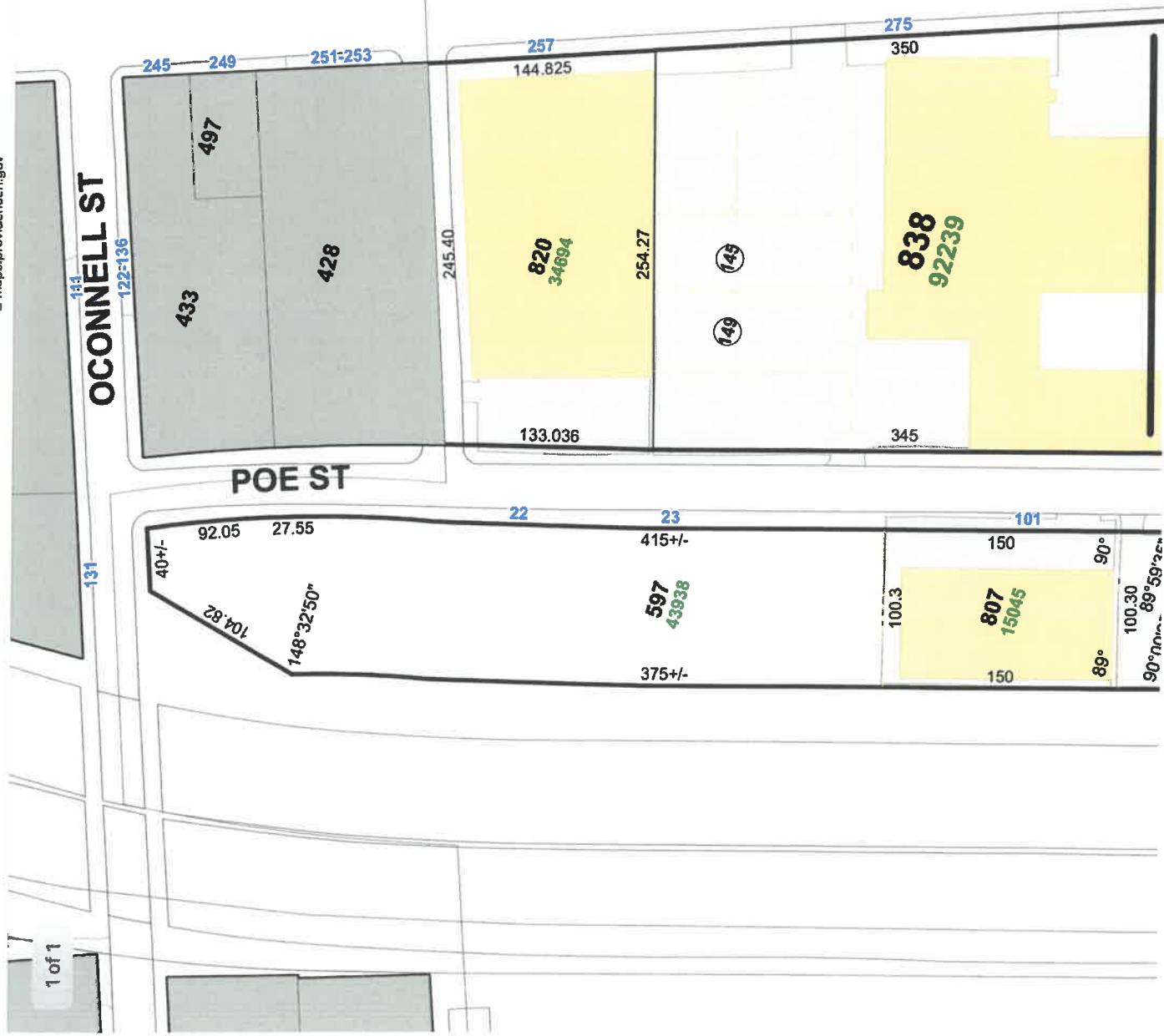
State of Rhode Island  
County of Providence

Subscribed and sworn to before me in the County of Providence, State of Rhode Island  
on this \_\_\_\_ day of February, 2024.

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Notary Public  
My Commission Expires on:

## **EXHIBIT 1**



## **EXHIBIT 2**

THE CITY OF PROVIDENCE BK 3545 PG 206  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 644

Approved November 22, 1996

## RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064571 dated November 14, 1995.

### VIZ:

BAY STREET, (portions of), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following: (1) Petitioner shall tender the amount of Ten Thousand Dollars (\$10,000.00) in legal tender U.S. to the City of Providence, (2) The petitioner shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation, (3) The petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation, (4) Petitioner shall undertake no construction in, about or upon said premises without the express written consent of the Chief of the Providence Fire Department. Additionally, Petitioner recognizes the existence of sprinkler connections necessary to the Providence Fire Department and the Providence Fire Department shall have unimpeded access to said system and across the abandoned property twenty-four (24) hours per day. In the alternative, should the Chief of the Fire Department find that the creation of a "fire lane" so-called, is satisfactory for Department needs, then this condition shall be met by the creation of said fire lane, together with the assent of the petitioners thereto.

BK 3545 PG 207

Page 2

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway." And it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

IN CITY COUNCIL  
NOV 21 1996  
READ AND PASSED

*Evelyn V. Farnolli*

PRES.

*Michael R. Clement*

CLERK

APPROVED

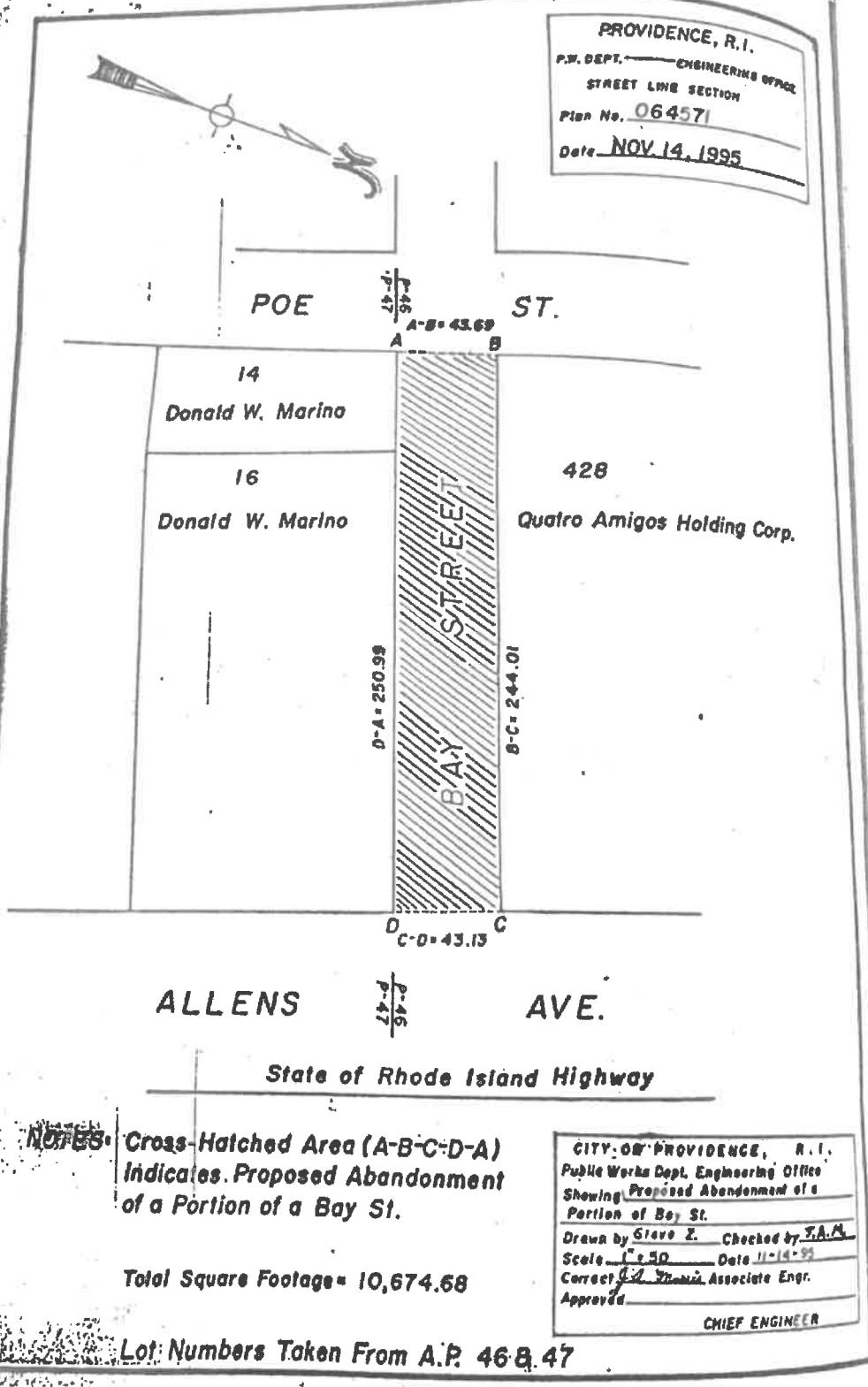
NOV 22 1996

*Verneus Di Lorio*

MAYOR

Attest  
*Michael R. Clement*  
Michael R. Clement  
City Clerk

BK3545PG208



Vincent A. Cianci Jr.  
Mayor

BK 3545 PG 209

John J. Partington  
Commissioner

James F. Rattigan  
Chief of Department

David D. Costa  
Fire Marshal



**PROVIDENCE FIRE DEPARTMENT**  
**FIRE PREVENTION DIVISION**  
*"Smoke Detectors Save Lives"*

April 29, 1997

John T. D'Amico, Jr.  
Senior Assistant City Solicitor  
Providence Law Department  
100 Fountain Street  
Providence, RI 02903

Dear Mr. D'Amico:

Please find enclosed a photocopy of a map concerning the Bay Street abandonment modifications. The map indicates that 5 feet on either side of the Fire Department control at 255 Allens Avenue is a "no parking" zone at all times. Additionally, a lane twenty-feet wide from Allens Avenue through the Fire Department control valve at 257 Allens Avenue is a no parking zone at all times. Finally, a traffic lane through the center of the former Bay Street is to be maintained free of parked vehicles.

Very truly yours,

David Costa  
Fire Marshal

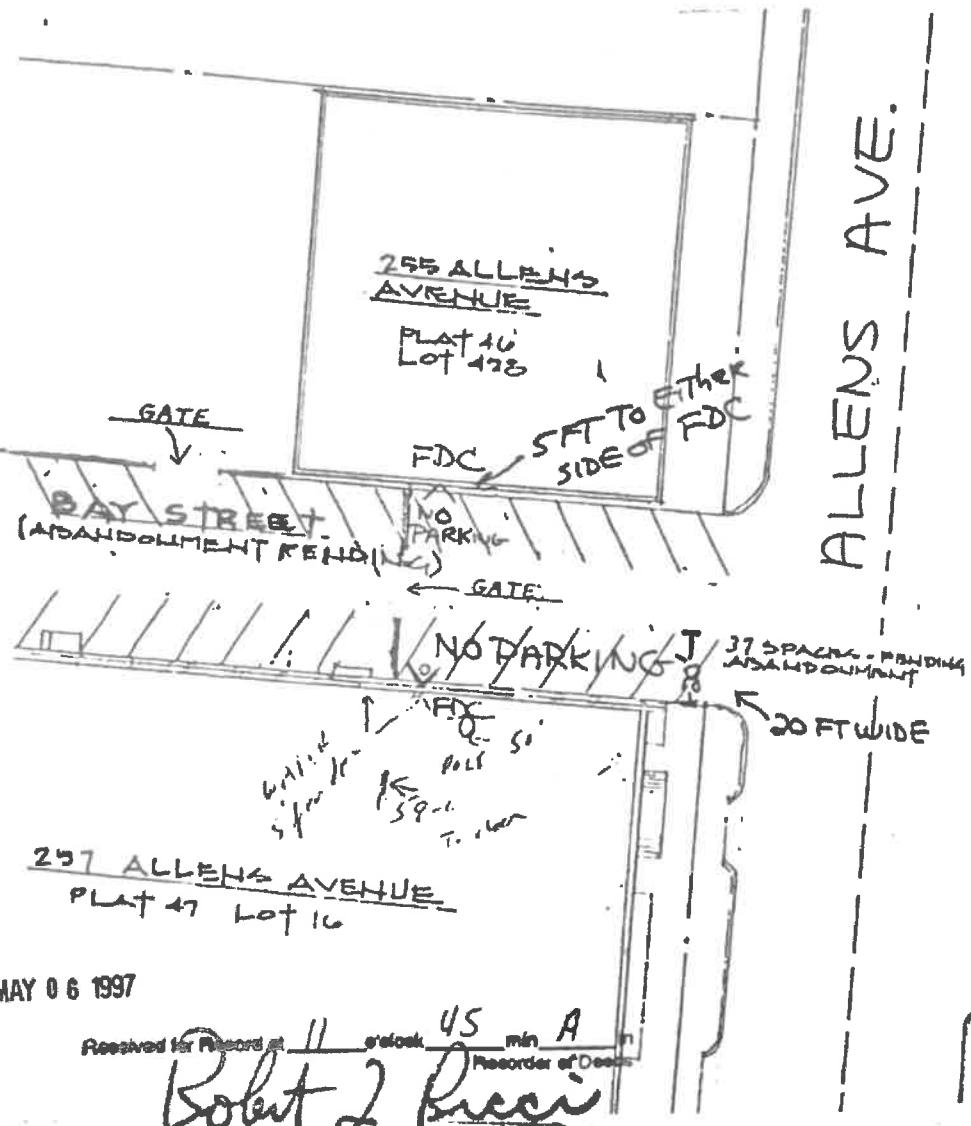
Enclosure

209 Fountain Street - Providence Rhode Island 02903 - (401) 421-8290

BK3545 PG 210

FDC - FIRE DEPARTMENT Sprinkler Connection

- NO PARKING
  - FENCE w/GATE
  - TRAVEL LANE



BK 3545 PG 211

GRANT OF EASEMENT

CUATRO AMIGOS HOLDING CORP., a Rhode Island corporation ("Grantor"), for consideration paid, grants to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation and having a principal place of business at 280 Metcalf Street, Providence, Rhode Island 02901, and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a corporation organized and existing under the laws of New York and duly authorized to do business in said State ("Grantees"), their successors and assigns, with Quitclaim Covenants, a perpetual right and easement as described in Section 1 below ("Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below ("Grantor's Land").

Section 1 – Description of Easement

The "Easement" granted by the Grantor to the Grantees consists of the perpetual right and easement:

- (a) to reconstruct, repair, replace, add to, maintain and operate an overhead distribution system ("Distribution System") for the distribution of electric current and for telephone use, which Distribution System includes a line of poles with the necessary wires, cables, anchors, guys, equipment and appurtenances attached thereto, over, across and upon the Grantors' Land as may from time to time be required for the purpose of supplying electric and telephone service to the Grantors' Land and land of others adjoining the Grantors' Land;
- (b) to clear and keep cleared from time to time the portions of the Grantor's Land wherein the Distribution System is located of such trees, shrubs, bushes, structures, objects and surfaces as may in the opinion and judgment of the Grantees, their successors and assigns, interfere with the safe and proper operation of the Distribution System;
- (c) to make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System. But the Grantees shall properly backfill any excavation and restore the surface of the Grantor's Land in as good condition as before the excavation was made; and
- (d) to pass over and across the Grantor's Land as reasonable and necessary for all the purposes described in this Section.

BK3545PG212

**Section 2 – Description of Grantor's Land**

The "Grantors' Land" consists of that portion of Bay Street from Poe Street east to Allens Avenue abandoned by the City Council of the City of Providence by virtue of Resolution No. 644, of the City Council of the City of Providence, approved November 22, 1996.

**Section 3 – Location of the Distribution System**

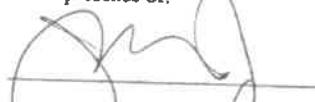
The location of the "Distribution System" shall become established as the same are now located, but, provided, however, that if the future use or development of the said abandoned portion of Bay Street shall require the relocation of said Distribution System, or any part or parts thereof, then, the Grantee, at the written request of the Grantor, will make such relocation to mutually satisfactory alternate locations, and the Grantee will require the Grantor to pay to the Grantee the cost of such relocation.

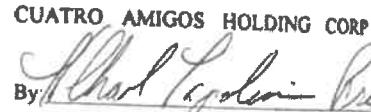
**Section 4 -- Distribution System Ownership**

It is agreed that the Distribution System shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns shall pay all taxes assessed thereon.

IN WITNESS WHEREOF said Cuatro Amigos Holding Corp. has caused its corporate seal to be hereto affixed and these presents to be signed by its proper officer for that purpose duly authorized this 6 day of FEBRUARY, 1997.

In the presence of:

  
STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

CUATRO AMIGOS HOLDING CORP  
  
By H. Charles Tafani   
Authorized Officer

In PROVIDENCE in said County on the 6 day of FEBRUARY, 1997, before me personally appeared the above named H. CHARLES TAFANI, PRES. of Cuatro Amigos Holding Corp., to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed to be the free act and deed of Cuatro Amigos Holding Corp. and the free act and deed of said H. CHARLES TAFANI individually and in said capacity.

Notary Public  
Printed Name: John A. Glassan  
My Commission Expires: 6-25-97

Received for Record in  
MAY 06 1997

46 Min. A  
Robert L. Street  
Recorder of Deeds

BK 3545 PG 213

GRANT OF EASEMENT

SPUR TRACK PROPERTIES, LLC, a Rhode Island limited liability company ("Grantor"), for consideration paid, grants to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation and having a principal place of business at 280 Melrose Street, Providence, Rhode Island 02901, and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a corporation organized and existing under the laws of New York and duly authorized to do business in said State of Rhode Island, with a principal place of business at 125 High Street, Boston, Massachusetts 02110 ("Grantees"), their successors and assigns, with Quitclaim Covenants, a perpetual right and easement as described in Section 1 below ("Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below ("Grantor's Land").

Section 1 — Description of Easement

The "Easement" granted by the Grantor to the Grantees consists of the perpetual right and easement:

- (a) to reconstruct, repair, replace, add to, maintain and operate an overhead distribution system ("Distribution System") for the distribution of electric current and for telephone use, which Distribution System includes a line of poles with the necessary wires, cables, anchors, guys, equipment and appurtenances attached thereto, over, across and upon the Grantors' Land as may from time to time be required for the purpose of supplying electric and telephone service to the Grantors' Land and land of others adjoining the Grantors' Land;
- (b) to clear and keep cleared from time to time the portions of the Grantor's Land wherein the Distribution System is located of such trees, shrubs, bushes, structures, objects and surfaces as may in the opinion and judgment of the Grantees, their successors and assigns, interfere with the safe and proper operation of the Distribution System;
- (c) to make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System. But the Grantees shall properly backfill any excavation and restore the surface of the Grantor's Land in as good condition as before the excavation was made; and
- (d) to pass over and across the Grantor's Land as reasonable and necessary for all the purposes described in this Section.

BK 3545 PG 214

Section 2 - Description of Grantor's Land

The "Grantors' Land" consists of that portion of Bay Street from Poe Street east to Allens Avenue abandoned by the City Council of the City of Providence by virtue of Resolution No. 644, of the City Council of the City of Providence, approved November 22, 1996.

Section 3 - Location of the Distribution System

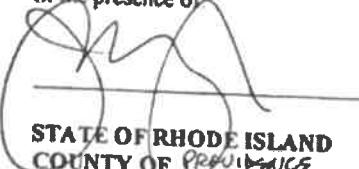
The location of the "Distribution System" shall become established as the same are now located, but, provided, however, that if the future use or development of the said abandoned portion of Bay Street shall require the relocation of said Distribution System, or any part or parts thereof, then, the Grantee, at the written request of the Grantor, will make such relocation to mutually satisfactory alternate locations, and the Grantee will require the Grantor to pay to the Grantee the cost of such relocation.

Section 4 - Distribution System Ownership

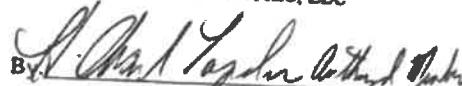
It is agreed that the Distribution System shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns shall pay all taxes assessed thereon.

IN WITNESS WHEREOF said Spur Track Properties, LLC has caused these presents to be signed by its proper officer for that purpose duly authorized this 6 day of FEBRUARY, 1997.

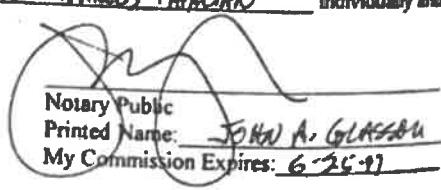
In the presence of

  
STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

SPUR TRACK PROPERTIES, LLC

  
By John A. Glasson  
Authorized Officer

In PROVIDENCE in said County on the 6 day of FEBRUARY, 1997, before me personally appeared the above named H. CHARLES TAPLAU, ~~of~~ <sup>agent for</sup> Spur Track Properties, LLC, to me known and known by me to be the party executing the foregoing instrument and He acknowledged said instrument by Him executed to be the free act and deed of Spur Track Properties, LLC and the free act and deed of said H. CHARLES TAPLAU individually and in said capacity.

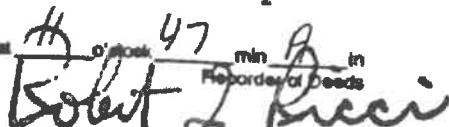
  
Notary Public  
Printed Name: JOHN A. GLASSON  
My Commission Expires: 6-26-97

MAY 06 1997

Received for Record at

11 o'clock 47 min in

Recorder of Deeds

  
Robert L. Ricci

BK 3545 PG 215

EASEMENT

CUATRO AMIGOS HOLDING CORP., a Rhode Island Corporation ("Grantor") for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, the receipt of which is hereby acknowledged it paid, does hereby grant and convey to the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of the State of Rhode Island, its successors and assigns, through the Providence Water Supply Board, ("Grantee") the perpetual and permanent right and easement over, along, under and above that certain parcel of land located in the City of Providence, County of Providence, State of Rhode Island, consisting of that portion of Bay Street from Poe Street east to Allens Avenue abandoned by the City Council of the City of Providence by virtue of Resolution No. 644, of the City Council of the City of Providence, approved November 22, 1996.

The easement and the right granted herein is for the purpose of the Grantee herein installing, maintaining, operating, inspecting, replacing or renewing water pipes, conduits, mains, valves, blowoffs, miscellaneous devices or the like, including any and all appurtenances thereto, necessary for or used in connection therewith.

Together with the right and privilege at such time as it in its sole discretion and without notice as it deems necessary for said Grantee, its successors, assigns, agents, servants and employees, to enter upon, over, along, under, and above said premises with vehicles, apparatus, personnel, equipment and appliance to dig and excavate the pavement and soil about said pipes, mains, services and the like as may be necessary therefor but in any of such entry to refill and repair any such excavation, carry away any surplus material and leave said premises in as good condition as it was prior to the making of any such excavation, at its sole expense, but not for the replacement, if any,

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BK 3545 PG 216

of any out of the ordinary material placed thereon by the Grantor herein.

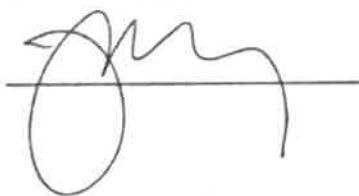
And for the consideration received, the Grantor, its successors and assigns, covenants and agrees that it will not build or erect a wall or structure of any kind, or plant trees or shrubs, in, over, above, or on the herein-described parcel, nor shall it store or allow to accumulate any material on said parcel.

The Grantor further agrees for itself, its successors and assigns, that it will maintain and be responsible for the normal repair of the surface of the herein-described parcel.

This easement is in discharge of the Grantor's obligations under that certain Resolution of the Providence City Council No. 644, Approved and Dated November 22, 1996.

IN WITNESS WHEREOF, Cuatro Amigos Holding Corp. has caused this instrument to be executed by its duly authorized agent this 6 day of FEBRUARY, 1997.

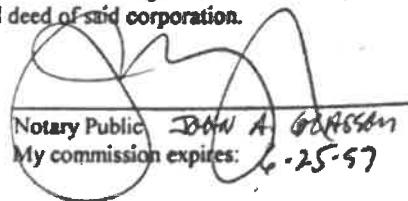
IN THE PRESENCE OF:



By:   
Cuatro Amigos Holding Corp.

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In Providence, in said County on the 6 day of FEBRUARY, 1997, before me personally appeared H. CHARLES TAPALIAN, PRESIDENT of Cuatro Amigos Holding Corp to me known and known by me to be the person executing the foregoing instrument on behalf of said corporation, and he acknowledged said instrument by him executed to be his free act and deed and the free act and deed of said corporation.

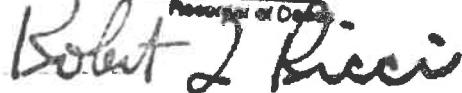


Notary Public JOHN A. GARRISON  
My commission expires: 25-57

etbyagent1.doc

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MAY 08 1997 48 min A in  
Recorder of Deeds

  
Robert L. Ricci

BK 3545 PG 217

EASEMENT

SPUR TRACK PROPERTIES, LLC, a Rhode Island limited liability company ("Grantor") for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, the receipt of which is hereby acknowledged it paid, does hereby grant and convey to the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of the State of Rhode Island, its successors and assigns, through the Providence Water Supply Board, ("Grantee") the perpetual and permanent right and easement over, along, under and above that certain parcel of land located in the City of Providence, County of Providence, State of Rhode Island, consisting of that portion of Bay Street from Poe Street east to Allens Avenue abandoned by the City Council of the City of Providence by virtue of Resolution No. 644, of the City Council of the City of Providence, approved November 22, 1996.

The easement and the right granted herein is for the purpose of the Grantee herein installing, maintaining, operating, inspecting, replacing or renewing water pipes, conduits, mains, valves, blowoffs, miscellaneous devices or the like, including any and all appurtenances thereto, necessary for or used in connection therewith.

Together with the right and privilege at such time as it in its sole discretion and without notice as it deems necessary for said Grantee, its successors, assigns, agents, servants and employees, to enter upon, over, along, under, and above said premises with vehicles, apparatus, personnel, equipment and appliance to dig and excavate the pavement and soil about said pipes, mains, services and the like as may be necessary therefor but in any of such entry to refill and repair any such excavation, carry away any surplus material and leave said premises in as good condition as it was prior to the making of any such excavation, at its sole expense, but not for the replacement, if any,

BK3545 PG 218

of any out of the ordinary material placed thereon by the Grantor herein.

And for the consideration received, the Grantor, its successors and assigns, covenants and agrees that it will not build or erect a wall or structure of any kind, or plant trees or shrubs, in, over, above, or on the herein-described parcel, nor shall it store or allow to accumulate any material on said parcel.

The Grantor further agrees for itself, its successors and assigns, that it will maintain and be responsible for the normal repair of the surface of the herein-described parcel.

This easement is in discharge of the Grantor's obligations under that certain Resolution of the Providence City Council No. 644, Approved and Dated November 22, 1996.

IN WITNESS WHEREOF, Spur Track Properties, LLC, has caused this instrument to be  
executed by its duly authorized agent this 6 day of FEBRUARY, 2007.

## IN THE PRESENCE OF:

IN THE PRESENCE OF:



By: Mark Anthony Lander  
Spur Track Properties, LLC

**STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE**

In Providence, in said County on the 6 day of FEBRUARY, 1997, before me personally appeared H. CHARLES TABALIAN, President of Spur Track Properties, LLC, to me known and known by me to be the person executing the foregoing instrument on behalf of said limited liability company, and he acknowledged said instrument by him executed to be his free act and deed and the free act and deed of said limited liability company.

free act and deed of said limited liability com  
Notary Public JOHN A. GRASSON  
My commission expires: 6 25-57

Orthography

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Recd of Deeds

## **EXHIBIT 3**

BK 4479 PG 171

**AGREEMENT**

This agreement is made this 3<sup>rd</sup> day of October, 2000, by and among PINK BUILDING, INC. a Rhode Island corporation located at 245 Allens Avenue, Providence, R.I. 02905, CUATROS AMIGOS HOLDING CORP. a Rhode Island corporation, located at 255 Allens Avenue, Providence, Rhode Island 02905 and SPUR TRACK PROPERTIES, LLC a Rhode Island Limited Liability Company located at 257 Allens Avenue, Providence, Rhode Island 02905.

1. PINK BUILDING, INC. is the record owner of that certain parcel of real estate located at 245 Allens Avenue, Providence, Rhode Island marked on Tax Assessor's Plat 46, Lot 433 and 497. CUATRO AMIGOS HOLDING CORP is the record owner of that certain parcel of real estate located at 255 Allens Avenue Providence, Rhode Island, marked on Tax Assessor's Plat 46, Lot 428. SPUR TRACK PROPERTIES LLC is the record owner of that certain parcel of real estate located at 257 Allens Avenue, Providence, Rhode Island, marked on Tax Assessor's Plat 47, Lots 14 and 16.
2. It is hereby agreed for mutual exchanges of consideration, by and among PINK BUILDING, INC., CUATRO AMIGOS HOLDING CORP. and SPUR TRACK PROPERTIES LLC, that each entity shall have the use of the others available parking located at 245, 255 and 257 Allens Avenue respectively and all available parking on Bay street; see attached appendix A, entitled "Parking Plan".

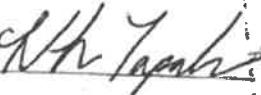
PINK BUILDING, INC.

By: 

CUATRO AMIGOS HOLDING CORP.

By: 

SPUR TRACK PROPERTIES, LLC

By: 

8K4479PG172

**APPENDIX A: "PARKING PLAN" PROVIDENCE, RI  
RECEIVED FOR RECORD**

2000 OCT -5 A II: 33

THE JOURNAL OF

BARBARA A. TRINCY  
ACTING RECORDER OF DEEDS

